

Applicants have received the Examiner initialed form PTO-1449 from the first IDS filed by applicants. A supplemental IDS citing Lee et al 5,247,380 dated October 16, 2001, was subsequently filed.

On December 18, 2001, applicants filed a Revocation and New Power of Attorney, **giving the New Power of Attorney to undersigned**. A duplicate copy of such Revocation and New Power of Attorney is attached hereto. Applicants respectfully request the Examiner to double check to make sure that correspondence is addressed to the firm of undersigned at

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Applicants are in receipt of the Notice of Draft-person's Patent Drawing Review, PTO-948. Filed herewith is a set of formal drawings except for sheet 5 (Figs. 5a and 5b are believed to be acceptable). Applicants respectfully request approval and entry of the new formal drawings. In Fig. 1, the incorrect reference numeral 20 has been changed to 28, and the server has been identified by reference numeral 27.

As regards the claim objections, applicants are confused. The original copy of the claims in the possession of undersigned do not have the informalities objected to in

claims 1 and 10 as set forth in paragraph 1 on numbered page 2 of the Office Action. However, a number of claim amendments have been made above which will be discussed below, and applicants believe that the claims are in good form.

One paragraph of the specification has been amended above. It is believed clear that the amendments in question are fully supported in applicants' specification as originally filed, at least implicitly. In this regard, a "timer" is clearly realized in practice by the micro-processor. Likewise, Fig. 3 shows a motion sensor which supports the second insertion to the amended paragraph at page 8.

Consistent with the amendment to the specification, Claim 6 has been amended to recite the "timer" which, as indicated above, clearly is realized in practice by the micro-processor.

Claims 2-5 have been rejected under the second paragraph of §112. This rejection is respectfully traversed.

Applicants respectfully submit that claims 2-5 as originally drafted would be understandable to those skilled in the art, and therefore were fully in compliance with the second paragraph of §112 in their original form. At most, those claims might have been objectionable as to form.

In deference to the Examiner's views and to avoid needless argument, a number of cosmetic amendments have been made above in the claims. Such amendments are of a formal nature only, i.e. made to place the claims in better form consistent with U.S. practice. Such amendments of claims 2-5 are not "narrowing" amendments because the meaning of the claims has not changed. The scope of the claims has not been reduced; no limitations have been added in these regards and none are intended.

Applicants respectfully request withdrawal of the rejection under §112.

Claims 1-10 have been rejected as anticipated under §102(e) by Radomsky et al USP 6,211,790 (Radomsky). This rejection is respectfully traversed.

The Radomsky patent is not prior art against the present invention, as (1) Radomsky and the present application are copending and (2) the present invention is not the invention of the inventors of the cited Radomsky patent, even though the present invention is at least in part disclosed in the Radomsky patent. In this regard, attached hereto is a Declaration under 37 CFR 1.132 in the name of the common inventor of both applications, namely Israel Radomsky. Such Declaration, consistent with the decision of *In re Katz*, 215 USPQ 14 (CCPA 1982) should be sufficient evidence to overcome

the rejection. As stated in MPEP 715.01(c) under the heading
"COAUTHORSHIP":

..., the applicant may overcome the rejection
by filing a specific affidavit or
declaration under 37 CFR 1.132 establishing
that the [publication] is describing
applicant's own work.

Attention is also respectfully invited to MPEP 2136.05 which
states in part as follows:

When a prior U.S. patent is not a statutory
bar, a 35 U.S.C. 102(e) rejection can be
overcome... by submitting an affidavit or
declaration under 37 CFR 1.132 establishing
that the relevant disclosure is applicant's
own work. *In re Mathews*,... 161 USPQ 276
(CCPA 1969).

As Radomsky is not "prior art" against the present application
under 35 USC 102(e), and as the attached Declaration
establishes such a fact, applicants respectfully request
withdrawal of the rejection.

Applicants believe that the U.S. patent 5,742,238
in the name of Fox, which was cited by the European Examiner
during prosecution of the corresponding PCT application, is
pertinent prior art. It is to be noted that a principal
feature of novelty of the present invention over Fox resides
in the fact that the reader can never initiate communication
with the portable device.

In Fox, the reader initiates communication, thus
awakening the portable device from an initial dormant or

stand-by state. The result of such an approach is that the reader can awaken the portable device at any time upon initiation of communication therewith. This militates against the desire to save battery power in the portable device, albeit by providing functionality that is not provided in the present invention.

The instant invention takes the view that such functionality can be waived where the primary purpose of communication between the portable transceivers and the readers is for tracking and locating the portable transceivers. To this end, the readers can only respond to communication from the portable transceivers. This allows a stationary transceiver, which transmits an "I'm alive" signal only once every 60 seconds to remain in power-saving mode for the remainder of the cycle, i.e. apart from the 5 seconds allocated to the short time window during which the reader is able to send messages to the portable transceiver. This results in a guaranteed saving of battery consumption in the portable transceiver, which is absent from Fox.

It is believed that this distinction above provides an inventive improvement over Fox and finds proper expression in the independent claims. Thus, Claim 1 directed to the method steps performed by the portable transceiver now recites that at the termination of the time window, reception

of data by the portable transceiver is disabled. Claim 6 directed to the portable transceiver now recites that the timer is responsive to the termination of transmission of data packets by the portable transceiver for opening the time window and for allowing the receiver to receive message *only* during the time window. It thus follows that communications initiated by the reader outside the time window will have no impact because the receiver in the portable transceiver cannot receive them. The same feature is present in Claim 15.

For the sake of completeness, allow us to observe that US Patent No. 5,247,380 in the name of Lee et al (also cited during prosecution of the PCT application) also allows communication to be initiated by any one of the terminals. In the event of collision, re-transmission is required and to this end a transmitting terminal will re-transmit after a time interval that is random so as to reduce the probability that two terminals will attempt to re-transmit simultaneously.

The present invention avoids the risk of collision by enabling each portable transceiver to initiate transmissions only during a very small fraction of the duty cycle and by preventing autonomous transmission from the readers outside of the small time window allocated by each

portable transceiver immediately after its own data transmission.

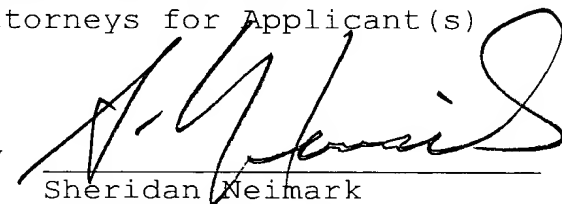
The prior art documents of record (including Fox) and not relied upon by the PTO have been noted, along with the implication that such documents are deemed by the PTO to be insufficiently pertinent to warrant their application against any of applicants' claims.

Applicants respectfully request favorable reconsideration and allowance.

Respectfully submitted,

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